

CONGRESSIONAL RECORD SUMMARY

Thursday, March 1, 2001

SENATE

Measures Introduced:

S. 420. An original bill to amend title II, United States Code (The Congress), and for other purposes; from the Committee on the Judiciary; *placed on the calendar.*

Grassley

Page S 1746

S. 436. A bill to *amend chapter 44 of title 18, United States Code*, to require the provision of a child safety lock in connection with the transfer of a handgun and provide safety standards for child safety locks; to the Committee on the Judiciary.

Kohl

Pages S 1747, S 1770-2

S. 437. A bill to revise and extend the Safe and Drug-Free Schools and Communities Act of 1994; to the Committee on Health, Education, Labor, and Pensions.

DeWine

Pages S 1747, S 1772-8

S. 439. A bill to authorize the establishment of a sub-office of the Immigration and Naturalization Service in Nashville, Tennessee; to the Committee on the Judiciary.

Frist

Pages S 1747, S 1780

S. 442. A bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits; to the Committee on the Judiciary.

Campbell

Pages S 1747, S 1782-3

S. 443. *A bill to amend chapter 44 of title 18, United States Code, to increase the maximum term of imprisonment for offenses involving stolen firearms; to the Committee on the Judiciary.*

Campbell

Pages S 1747, S 1783

S. 450. A bill to amend the Gramm-Leach-Bliley Act to provide for *enhanced protection of nonpublic personal information, including health information*, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs. (*Privacy issues*)

Nelson

Pages S 1747, S 1788-9

S. 451. A bill to *establish civil and criminal penalties* for the sale or purchase of a social security number; to the Committee on Finance.

Nelson

Pages S 1747, S 1789

S.J. Res. 6. A joint resolution providing for congressional disapproval of the rule submitted by the Department of Labor *under chapter 8 of title 5, United States Code*, relating to ergonomics; to the Committee on Health, Education, Labor, and Pensions.

Nickles

Pages S 1747, S 1789

S. 420. Bankruptcy Reform--Agreement:

A unanimous-consent agreement was reached providing for consideration of S. 420, to amend title 11, United States Code, at 2 p.m., on Monday, March 5, 2001. Further, that all sponsors of S. 220 be considered as cosponsors on S. 420.

Pages S 1729, D 158

Executive Communication:

EC-851. A communication from the Deputy General Counsel of the Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "*National Instant Criminal Background Check System Regulation; Delay of Effective Date*" (RIN1110-AA02) received on February 28, 2001; to the Committee on the Judiciary.

Page S 1745

Committee Meetings:

Committee on the Budget: Committee held hearings to examine the President's proposed budget request for fiscal year 2002.

Page D 159

Committee on Foreign Relations: Committee concluded hearings to examine proposed legislation to reform the anti-drug certification process.

Pages D 159-60

Committee on Governmental Affairs: Permanent Subcommittee on Investigations held hearings to examine the role of United States correspondent banking and offshore banks as vehicles for international money laundering, and the efforts of financial entities, federal regulators, and law enforcement to limit money laundering activities within the United States.

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Committee Meetings For Friday, March 2, 2001:

Committee on the Budget: @ 10:00 a.m. To continue hearings to examine the President's proposed budget request for fiscal year 2002. SD-608.

Committee on Governmental Affairs: @ 9:30 a.m. Permanent Subcommittee on Investigations, to continue hearings to examine the role of United States correspondent banking and offshore banks as vehicles for international money laundering, and the efforts of financial entities, federal regulators, *and law enforcement to limit money laundering activities within the United States.* SD-106.

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Congressional Program Ahead. Week Of March 5 Through March 10, 2001:

Committee on the Budget: 3/6/01 @ 10:00 a.m. To hold hearings to examine certain revenue proposals within the President's proposed budget request for fiscal year 2002. SD-608.

Committee on Commerce, Science, and Transportation: 3/6/01 @ 10:00 a.m. Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism, to hold hearings to examine the effectiveness of gun locks. SR-253.

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Congressional Program Ahead. Week Of March 5 Through March 10, 2001 (Cont'd.):

Committee on Governmental Affairs: 3/6/01 @ 9:30 a.m. Permanent Subcommittee on Investigations, to

resume hearings to examine the role of United States correspondent banking and offshore banks as vehicles for international money laundering, and the efforts of financial entities, federal regulators, *and law enforcement to limit money laundering activities within the United States.* SD-342.

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HOUSE

Bills Introduced:

H.R. 809. A bill to *make technical corrections to various antitrust laws* and to references to such laws; referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Sensenbrenner

Page H 621

H.R. 810. A bill to provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes; referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Regula

Page H 621

H.R. 815. *A bill to amend title 9, United States Code, to allow employees the right to accept or reject the use of arbitration to resolve an employment controversy; to the Committee on the Judiciary.*

Andrews

Page H 621

H.R. 816. A bill to protect the Social Security System and to amend the Congressional Budget Act of 1974 to require a two-thirds vote for legislation that changes the discretionary spending limits or the pay-as-you-go provisions of the Balanced Budget and Emergency Deficit Control Act of 1985 if the budget for the current year (or immediately preceding year) was not in surplus; referred to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Andrews

Page H 621

H.R. 820. *A bill to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Vocational Rehabilitation Act of 1973, and the Civil Rights Act of 1991, to require the Equal Employment Opportunity Commission to mediate employee claims arising under such Acts, and for other purposes; to the Committee on Education and the Workforce.*

Clayton

Page H 621

H.R. 823. A bill to provide Federal reimbursement for indirect costs relating to the incarceration of illegal criminal aliens and for emergency health services furnished to undocumented aliens; referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Condit

Page H 622

Bills Introduced (Cont'd.):

H.R. 831. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending

arrangements, and a credit for individuals with long-term care needs; to the Committee on Ways and Means.
Johnson Page H 622

H.R. 849. A bill to provide for each American the opportunity to provide for his or her retirement through a S.A.F.E. account, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
Sessions Page H 623

H.R. 852. *A bill to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the "Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse;" to the Committee on Transportation and Infrastructure.*
Traficant Page H 623

H.R. 853. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling \$5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
Wexler Page H 623

H.J. Res. 24. A joint resolution *proposing an amendment to the Constitution of the United States* to authorize the line item veto; to the Committee on the Judiciary.
Andrews Page H 623

H.J. Res. 25. A joint resolution *proposing an amendment to the Constitution of the United States* to abolish the electoral college and establish a new procedure for electing the President and Vice President; to the Committee on the Judiciary.
Leach Page H 623

H.J. Res. 26. A joint resolution *proposing an amendment to the Constitution of the United States* to provide that certain trust funds are outside the budget of the United States; to the Committee on the Judiciary.
Taylor Page H 623

H.R. 333. Bankruptcy Abuse Prevention and Consumer Protection Act:

The House passed H.R. 333, providing for consideration of H.R. 333, to amend title 11, United States Code, by a yeas and nays vote of 306 yeas to 108 nays, Roll No. 25.
Pages H 517-H 601, D 160

"... With respect to its consumer provisions, H.R. 333 responds to several significant developments. One of these developments was the dramatic increase in consumer bankruptcy filings during the 1990s and the

losses associated with those filings. Based on data released by the **Administrative Office of the United States Courts**, bankruptcy filings increased by more than 72 percent between 1994 and 1998. Mr. Chairman, for the first time in our Nation's history, bankruptcy filings exceeded 1 million in 1996. In calendar year 1997 alone, bankruptcy filings increased by more than 19 percent over the prior year. By 1998, the number of bankruptcy filings, according to the **AO**, reached an all-time high of more than 1.4 million cases. Although the most recent reporting periods indicate the filings have somewhat decreased, **the Administrative Office** states they remain well above the 1 million mark. Paradoxically, this dramatic increase in bankruptcy filing rates has occurred during a period when the economy was generally robust, with relatively low unemployment and high consumer confidence..." (Sensenbrenner, page H 517)

See Pages H 540-1: SEC. 221. AMENDMENTS TO DISCOURAGE ABUSIVE BANKRUPTCY FILINGS.

(B) by striking paragraph (2) and inserting the following:

"(2)(A) Before preparing any document for filing or accepting any fees from a debtor, the bankruptcy petition preparer shall provide to the debtor a written notice to debtors concerning bankruptcy petition preparers, which shall be on an official form issued by the **Judicial Conference of the United States**....

(B) by inserting before paragraph (2), as redesignated, the following:

"(1) The **Supreme Court** may promulgate rules under section 2075 of title 28, or the **Judicial Conference of the United States** may prescribe guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. A bankruptcy petition preparer shall notify the debtor of any such maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor."

See Page H 547: SEC. 315. GIVING CREDITORS FAIR NOTICE IN CHAPTERS 7 AND 13 CASES.

"(h)(1) Not later than 180 days after the date of enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001, the **Director of the Administrative Office of the United States Courts** shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section...

"(3) Not later than 1 year and 180 days after the date of enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001, the **Director of the Administrative Office of the United States Courts** shall prepare and submit to Congress a report that--

"(A) assesses the effectiveness of the procedures under paragraph (1); and

"(B) if appropriate, includes proposed legislation to--

"(i) further protect the confidentiality of tax information; and

"(ii) provide penalties for the improper use by any person of the tax information required to be provided under this section..."

H.R. 333. Bankruptcy Abuse Prevention and Consumer Protection Act (Cont'd.):

See Page H 553: SEC. 443. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General, the Director of the Administrative Office of United States Trustees, and the **Director of the Administrative Office of the United States Courts**, shall--

(1) conduct a study to determine--

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become

debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study...

See Pages H 570-1: SEC. 1224. BANKRUPTCY JUDGESHIPS.

(a) Short Title.--This section may be cited as the "Bankruptcy Judgeship Act of 2001."

(b) Temporary Judgeships.--

(1) Appointments.--The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the district of Delaware.

(D) Two additional bankruptcy judgeships for the southern district of Florida.

(E) One additional bankruptcy judgeship for the southern district of Georgia.

(F) Two additional bankruptcy judgeships for the district of Maryland.

(G) One additional bankruptcy judgeship for the eastern district of Michigan.

(H) One additional bankruptcy judgeship for the southern district of Mississippi.

(I) One additional bankruptcy judgeship for the district of New Jersey.

(J) One additional bankruptcy judgeship for the eastern district of New York.

(K) One additional bankruptcy judgeship for the northern district of New York.

(L) One additional bankruptcy judgeship for the southern district of New York.

(M) One additional bankruptcy judgeship for the eastern district of North Carolina.

(N) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(O) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(P) One additional bankruptcy judgeship for the district of Puerto Rico.

(Q) One additional bankruptcy judgeship for the western district of Tennessee.

(R) One additional bankruptcy judgeship for the eastern district of Virginia.

(2) Vacancies.--The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) shall not be filled if the vacancy--

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1).

(c) Extensions.--

(1) In general.--The temporary bankruptcy judgeship positions authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under paragraphs (1), (3), (7), (8), and (9) of section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring--

H.R. 333. Bankruptcy Abuse Prevention and Consumer Protection Act (Cont'd.):

See Page H 572: SEC. 1234. EXPEDITED APPEALS OF BANKRUPTCY CASES TO COURTS OF APPEALS.

Rejected the Conyers motion that sought to recommit the bill to the Committee on the Judiciary with instructions to report it back to the House with an amendment that prohibits the issuance of credit cards to anyone under 21 years of age unless the individual demonstrates an independent means of income or a parent acts as a co-signer by a recorded vote of 165 ayes to 253 noes, Roll No. 24.

Pages H 599-H 600, D 160

Agreed to:

Sensenbrenner amendment No. 1 printed in House Report 107-4 that makes technical and conforming changes;

Pages H 575-7, H 599, D 160

Jackson-Lee amendment No. 2 printed in House Report 107-4 that allows a debtor to deduct public school expenses as an allowable expense under the means test and treats public and private school expenses equally;

Pages H 577-8, D 160

Green of Wisconsin amendment No. 3 printed in House Report 107-4 that prevents the names of children from being disclosed in bankruptcy filings; and

Pages H 578-9, D 160

Oxley amendment No. 4 printed in House Report 107-4 that reflects changes made by passage of the Commodity Futures Modernization Act and updates definitions to reflect current and developing market practices.

Pages H 579-88, D 160

Rejected:

The Jackson-Lee amendment No. 6 printed in House Report 107-4 that sought to make various technical changes and modify the means test to allow additional expenses including health insurance premiums, other medical expenses, and the cost relating to the care of foster children. It also extends the deadline for filing and confirmation of reorganization plans by small businesses (rejected by a recorded vote of 160 ayes to 258 noes, Roll No. 23).

Pages H 588-98, D 160

The Clerk was authorized to make necessary technical and conforming corrections in the engrossment of the bill.

Pages H 601, D 161

Earlier, the ***House agreed to H. Res. 71***, the rule that provided for consideration of the bill by a yeas and nays vote of 281 yeas to 132 nays, Roll No. 22. Pursuant to the rule the amendments recommended by the Committee on the Judiciary now printed in the bill (House Report 107-3 Part 1) were considered as adopted.

Pages H 512-17, D 161

*"...There is a great need for this bill now. According to statistics released by the **Administrative Office of the United States Courts**, bankruptcy filings reached an all-time high of more than 1.4 million in 1998. The debts that remain unpaid as a result of those bankruptcies cost each American family that did pay their bills on time \$400 a year in the form of higher cost for credit, goods and services..." (Sessions, page H 513)*

Committee Meetings:

Committee on the Budget: Held a hearing on the President's Budget for fiscal year 2002. The Committee also held a hearing on the Department of the Treasury Budget Priorities for fiscal year 2002.

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing on *Privacy in the Commercial World*, focusing on basic privacy questions.

Committee on Energy and Commerce: Subcommittee on Health and the Subcommittee on Oversight and Investigations held a joint hearing on *Patients First: A 21st Century Promise to Ensure Quality and*

Affordable Health Coverage, focusing on improving patients' access to new technologies in the Medicare program.

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Committee Meetings For Friday, March 2, 2001:

Committee on the Budget, @ 10:00 a.m. Hearing on Current Fiscal Issues. 210 Cannon.

Committee on Government Reform, @ 9:30 a. m. Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on "*The Status of Plan Columbia.*" 2247 Rayburn.

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Congressional Program Ahead. Week Of March 5 Through March 10, 2001:

Committee on Financial Services, 3/6/01 @ 2:00 p.m. Subcommittee on Oversight and Investigations and the Subcommittee on Financial Institutions and Consumer Credit, joint hearing entitled "*Protecting Consumers: What can Congress do to help financial regulators coordinate efforts to fight fraud?*" 2128 Rayburn.

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Remarks:

Defeat H.R. 333, The So-Called Bankruptcy Reform Bill.

Kucinich

Pages H 510-11

Problems With Illegal Narcotics.

Souder

Pages H 614-19

Gun Violence.

McCarthy

Page E 262

The Social Security Benefit Restoration Act.

"...Retirees drawing a benefit from a private pension fund do not have their Social Security benefits reduced. Why should we do this to civil servants? [] This legislation, the Social Security Benefit Restoration Act, will bring this equity to retirement benefits. This bill will simply eliminate the public sector benefit penalty enacted in 1983 and allow all civil servants to draw full Social Security benefits..."

Sandlin

Page E 263

Social Security Guarantee Act.

Jones

Page E 264

Next SENATE MEETING: Monday, 2:00 p.m., March 5, 2001.

Next HOUSE MEETING: Monday, 2:00 p.m., March 5, 2001.

OLA: S. Schwarz (Smith), J. Homanich